

REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Claims 94-96 and 110 are pending. Claims 94-96 have been amended to explicitly recite that the single chain Fv binding domain polypeptide comprises a light chain variable region and a heavy chain variable region. Such amendments have been made to facilitate allowance and without acquiescing to the rejections in the Office Action. Support for the amendments may be found, for example, at page 17, lines 4-6 and page 33, lines 11-15 of the substitute specification filed June 8, 2007. No new matter has been added via the amendments to the claims.

As an initial matter, Applicants wish to thank Examiner Bristol for discussing the present application with Applicants' representatives during an in-person interview on December 8, 2009. During the interview, Examiner Bristol and Applicants' representatives discussed the lack of enablement and obviousness double patenting rejections in the Office Action and the claim amendments provided herein. In addition, Applicants acknowledge that Examiner Bristol identified claim 110 as allowable in the present Office Action.

Rejection Under 35 U.S.C. 112, First Paragraph (Enablement)

Claims 94-96 stand rejected under 35 U.S.C. 112, first paragraph, as not enabled. More specifically, it is asserted in the Office Action that while the claims are enabled for a G28-1 scFv-Ig comprising both a VH and a VL recognizing CD37 and obtained from the G28-1 antibody, the present application does not reasonably provide enablement for a G28-1 scFv-Ig having only the single VH domain and recognizing CD37.

To facilitate allowance and without acquiescing to the rejection in the Office Action, Applicants have amended claims 94-96 to recite that the G28-1 single chain Fv binding domain polypeptide comprises a light chain variable region and a heavy chain variable region. Because, as acknowledged in the Office Action and discussed during the interview, the present application is enabling for a G28-1 scFv-Ig comprising both a VH and a VL recognizing CD37 and obtained from the G28-1 antibody, Applicants submit that amended claims 94-96 are

enabled by the present application. Accordingly, withdrawal of this ground of rejection under 35 U.S.C. 112, first paragraph, is respectfully requested.

Obviousness-Type Double Patenting

Claims 94-96 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1, 3, 4, 8, 10, 11, 16, 18, 20 and 21 of co-pending Application No. 12/371,467.

To facilitate allowance and without acquiescing to the rejection in the Office Action, Applicants hereby submit a terminal disclaimer with respect to co-pending Application No. 12/371,467. Accordingly, Applicants submit that the instant obviousness-type double patenting rejection has been obviated.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants believe that claims 94-96 and 110 remaining in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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